



General Assembly

February Session, 2004

Raised Bill No. 320

LCO No. 1462

01462_____AGE

Referred to Committee on Select Committee on Aging

Introduced by:
(AGE)

AN ACT REESTABLISHING THE DEPARTMENT ON AGING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2005*) (a) There is established a
2 Department on Aging which shall be under the direction and
3 supervision of the Commissioner on Aging who shall be appointed by
4 the Governor in accordance with the provisions of sections 4-5 to 4-8,
5 inclusive, of the general statutes, as amended by this act, with the
6 powers and duties therein prescribed. The commissioner shall be
7 knowledgeable and experienced with respect to the conditions and
8 needs of elderly persons and shall serve on a full-time basis.

9 (b) The Commissioner on Aging shall administer all laws under the
10 jurisdiction of the Department on Aging and shall employ the most
11 efficient and practical means for the provision of care and protection of
12 elderly persons. The commissioner shall have the power and duty to
13 do the following: (1) Administer, coordinate and direct the operation
14 of the department; (2) adopt and enforce regulations, in accordance
15 with chapter 54 of the general statutes, as necessary to implement the
16 purposes of the department as established by statute; (3) establish rules
17 for the internal operation and administration of the department; (4)

18 establish and develop programs and administer services to achieve the
19 purposes of the department; (5) contract for facilities, services and
20 programs to implement the purposes of the department; (6) act as
21 advocate for the need of more comprehensive and coordinated
22 programs for elderly persons; (7) assist and advise all appropriate
23 state, federal, local and area planning agencies for elderly persons in
24 the performance of their functions and duties pursuant to federal law
25 and regulation; (8) plan services and programs for elderly persons; (9)
26 coordinate outreach activities by public and private agencies serving
27 elderly persons; and (10) consult and cooperate with area and private
28 planning agencies.

29 (c) The functions, powers, duties and personnel of the Division of
30 Elderly Services of the Department of Social Services shall be
31 transferred to the Department on Aging pursuant to the provisions of
32 section 4-38d and 4-38e of the general statutes.

33 (d) Any order or regulation of the Department of Social Services or
34 the Commission on Aging that is in force on January 1, 2005, shall
35 continue in force and effect as an order or regulation until amended,
36 repealed or superseded pursuant to law.

37 Sec. 2. (NEW) (*Effective January 1, 2005*) (a) The Department on
38 Aging shall continuously study the conditions and needs of elderly
39 persons in this state in relation to nutrition, transportation, home-care,
40 housing, income, employment, health, recreation and other matters.
41 The department shall be responsible, in cooperation with federal, state,
42 local and area planning agencies on aging, for the overall planning,
43 development and administration of a comprehensive and integrated
44 social service delivery system for elderly persons and the aged. The
45 department shall: (1) Measure the need for services; (2) survey
46 methods of administration of programs for service delivery; (3)
47 provide for periodic evaluations of social services; (4) maintain
48 technical, information, consultation and referral services in
49 cooperation with other state agencies to local and area public and

50 private agencies to the fullest extent possible; (5) develop and
51 coordinate educational outreach programs for the purposes of
52 informing the public and elderly persons of available programs; (6)
53 cooperate in the development of performance standards for licensing
54 of residential and medical facilities with appropriate state agencies; (7)
55 supervise the establishment, in selected areas and local communities of
56 the state, of pilot programs for elderly persons; (8) coordinate with the
57 Department of Transportation to provide adequate transportation
58 services related to the needs of elderly persons; and (9) cooperate with
59 other state agencies to provide adequate and alternate housing for
60 elderly persons, including congregate housing, as defined in section 8-
61 119e of the general statutes. Subject to the provisions of chapter 67 of
62 the general statutes, the Department on Aging may employ such
63 clerical and other assistance as it requires to carry out its duties.

64 (b) The Department on Aging shall be the single state agency for the
65 administration, monitoring and coordination of programs for elderly
66 persons and the aged pursuant to any state or federal law or
67 regulation, except as otherwise provided in the general statutes or as
68 required by federal law as a prerequisite to federal reimbursement or
69 grants.

70 Sec. 3. (NEW) (*Effective January 1, 2005*) (a) The Department on
71 Aging may receive, hold, invest and disburse money, securities,
72 supplies or equipment offered it for any of its purposes by the federal
73 government or by any person, corporation or association. The
74 department may, within the limits of funds available to it from state
75 appropriations or otherwise, enter into agreements with federal
76 agencies for programs to help older persons in the field of community
77 planning, services and training or otherwise, as is or may be
78 authorized under federal law. The department shall include in its
79 annual report an account of any property so received, the names of its
80 donors, its location, the use made thereof and the amount of
81 unexpended balances on hand.

82 (b) The Department on Aging may contract with any public or
83 private agency or person to provide services for the elderly.

84 Sec. 4. Section 4-5 of the general statutes, as amended by section 4 of
85 public act 03-84, section 2 of public act 03-217 and sections 146, 147 and
86 241 of public act 03-6 of the June 30 special session, is repealed and the
87 following is substituted in lieu thereof (*Effective January 1, 2005*):

88 As used in sections 4-6, 4-7 and 4-8, the term "department head"
89 means Secretary of the Office of Policy and Management,
90 Commissioner of Administrative Services, Commissioner of Revenue
91 Services, Commissioner on Aging, Banking Commissioner,
92 Commissioner of Children and Families, Commissioner of Agriculture
93 and Consumer Protection, Commissioner of Correction, Commissioner
94 of Economic and Community Development, State Board of Education,
95 Commissioner of Environmental Protection, Commissioner of Public
96 Health, Insurance Commissioner, Labor Commissioner, Liquor
97 Control Commission, Commissioner of Mental Health and Addiction
98 Services, Commissioner of Public Safety, Commissioner of Social
99 Services, Commissioner of Mental Retardation, Commissioner of
100 Motor Vehicles, Commissioner of Transportation, Commissioner of
101 Public Works, Commissioner of Veterans' Affairs, Commissioner of
102 Health Care Access, Chief Information Officer, the chairperson of the
103 Public Utilities Control Authority, the executive director of the Board
104 of Education and Services for the Blind and the executive director of
105 the Connecticut Commission on Arts, Tourism, Culture, History and
106 Film.

107 Sec. 5. Section 4-9a of the general statutes, as amended by section
108 210 of public act 03-6 of the June 30 special session, is repealed and the
109 following is substituted in lieu thereof (*Effective January 1, 2005*):

110 (a) The Governor shall appoint the chairperson and executive
111 director, if any, of all boards and commissions within the Executive
112 Department, except the Board of Governors of Higher Education,
113 provided the Governor shall appoint the initial chairman of said board

114 as provided in section 10a-2, the State Properties Review Board, the
115 State Elections Enforcement Commission, the Commission on Human
116 Rights and Opportunities, the State Ethics Commission [, the
117 Commission on Aging] and the Commission on Fire Prevention and
118 Control.

119 (b) Public members shall constitute not less than one-third of the
120 members of each board and commission within the Executive
121 Department, except the Gaming Policy Board and the Commission on
122 Human Rights and Opportunities. Public member means an elector of
123 the state who has no substantial financial interest in, is not employed
124 in or by, and is not professionally affiliated with, any industry,
125 profession, occupation, trade or institution regulated or licensed by the
126 relevant board or commission, and who has had no professional
127 affiliation with any such industry, profession, occupation, trade or
128 institution for three years preceding [his] the elector's appointment to
129 the board or commission. Except as otherwise specifically provided by
130 the general statutes, this section shall not apply to the Commission on
131 Fire Prevention and Control, boards and commissions the membership
132 of which is entirely composed of state department heads, elected
133 officials or deputies appointed by such department heads or where the
134 membership of such board or commission is determined in accordance
135 with the provisions of any federal law.

136 (c) Notwithstanding any provision of law to the contrary, the term
137 of each member of each board and commission within the executive
138 branch, except the State Board of Education, the Board of Governors of
139 Higher Education, the Gaming Policy Board, the Commission on
140 Human Rights and Opportunities, the State Elections Enforcement
141 Commission, the State Properties Review Board, the State Ethics
142 Commission, the Commission on Medicolegal Investigations, the
143 Psychiatric Security Review Board, the Commission on Fire Prevention
144 and Control, the E 9-1-1 Commission, the Connecticut Commission on
145 Arts, Tourism, Culture, History and Film, [the Commission on Aging,]
146 the board of trustees of each constituent unit of the state system of

147 higher education and the Board of Parole, commencing on or after July
148 1, 1979, shall be coterminous with the term of the Governor or until a
149 successor is chosen whichever is later.

150 (d) Each member of each board and commission within the
151 executive branch shall serve at the pleasure of the appointing authority
152 except where otherwise specifically provided by any provision of the
153 general statutes.

154 Sec. 6. Section 4-38c of the general statutes, as amended by sections
155 146 and 148 of public act 03-6 of the June 30 special session, is repealed
156 and the following is substituted in lieu thereof (*Effective January 1,*
157 *2005*):

158 There shall be within the executive branch of state government the
159 following departments: Office of Policy and Management, Department
160 of Administrative Services, Department of Revenue Services,
161 Department on Aging, Department of Banking, Department of
162 Children and Families, Department of Agriculture and Consumer
163 Protection, Department of Correction, Department of Economic and
164 Community Development, State Board of Education, Department of
165 Environmental Protection, Department of Public Health, Board of
166 Governors of Higher Education, Insurance Department, Labor
167 Department, Department of Mental Health and Addiction Services,
168 Department of Mental Retardation, Department of Public Safety,
169 Department of Social Services, Department of Transportation,
170 Department of Motor Vehicles, Department of Veterans' Affairs,
171 Department of Public Works and Department of Public Utility Control.

172 Sec. 7. Section 4-60i of the general statutes is repealed and the
173 following is substituted in lieu thereof (*Effective January 1, 2005*):

174 The Commissioner of Social Services shall (1) develop, throughout
175 the Departments of Mental Retardation, Public Health, Correction,
176 Aging, Children and Families and Mental Health and Addiction
177 Services, uniform management information, uniform statistical

178 information, uniform terminology for similar facilities and uniform
179 regulations for the licensing of human services facilities, (2) plan for
180 increased participation of the private sector in the delivery of human
181 services, (3) provide direction and coordination to federally funded
182 programs in the human services agencies and recommend uniform
183 system improvements and reallocation of physical resources and
184 designation of a single responsibility across human services agencies
185 lines to eliminate duplication.

186 Sec. 8. Section 7-127b of the general statutes is repealed and the
187 following is substituted in lieu thereof (*Effective January 1, 2005*):

188 (a) The chief elected official or the chief executive officer if by
189 ordinance of each municipality shall appoint a municipal agent for
190 elderly persons. Such agent shall be a member of the municipality's
191 commission on aging, if any, a member of another agency that serves
192 elderly persons, an elected official of the state or the municipality or a
193 responsible resident of the municipality who has demonstrated an
194 interest in the elderly or has been involved in programs in the field of
195 aging.

196 (b) Each municipal agent shall (1) disseminate information to
197 elderly persons and assist such persons in learning about the
198 community resources available to them and publicize such resources
199 and benefits; (2) assist elderly persons in applying for federal and
200 other benefits available to such persons; (3) submit written reports at
201 least annually to the chief elected official, chief executive officer,
202 legislative body and committee or commission on aging of the
203 municipality, if any, and to the Department [of Social Services on] on
204 Aging regarding the services they have provided, the needs and
205 problems of the elderly and any recommendations for municipal
206 action with regard to elderly persons.

207 (c) Each municipal agent shall serve for a term of two or four years,
208 at the discretion of the appointing authority of each municipality, and
209 may be reappointed. If more than one agent is necessary to carry out

210 the purposes of this section, the appointing authority, in the discretion
211 of such appointing authority, may appoint one or more assistant
212 agents. The town clerk in each municipality shall notify the
213 Department [of Social Services] on Aging immediately of the
214 appointment of a new municipal agent. Each municipality may
215 provide to its municipal agent resources sufficient for such agent to
216 perform the duties of the office.

217 (d) The Department [of Social Services] on Aging shall be
218 responsible for assuring that the provisions of this section are being
219 carried out by municipalities, and shall adopt and disseminate to
220 municipalities guidelines as to the role and duties of municipal agents
221 and such informational and technical materials to assist such agents in
222 performance of their duties. Said department shall provide training for
223 municipal agents in accordance with their needs and the resources of
224 the department and in cooperation with area agencies on aging. The
225 department shall sponsor at least one training session in each of the
226 planning and service areas of the Department [of Social Services] on
227 Aging. Such training shall include, but not be limited to, information,
228 from updated lists, on the availability of housing. Each municipal
229 agent shall attend at least one such session. Said department shall
230 assist such agents to develop and maintain simple records about the
231 needs of elderly persons and the services provided to them, which
232 records shall be confidential and used only to provide data that is
233 useful to the Department [of Social Services] on Aging and the area
234 agencies on aging in the preparation of the annual state and area plans.

235 Sec. 9. Section 17b-1 of the general statutes is repealed and the
236 following is substituted in lieu thereof (*Effective January 1, 2005*):

237 (a) There is established a Department of Social Services. The
238 department head shall be the Commissioner of Social Services, who
239 shall be appointed by the Governor in accordance with the provisions
240 of sections 4-5 to 4-8, inclusive, as amended by this act, with the
241 powers and duties therein prescribed.

242 (b) The Department of Social Services shall constitute a successor
243 department to the Department of Income Maintenance [] and the
244 Department of Human Resources [and the Department on Aging] in
245 accordance with the provisions of sections 4-38d and 4-39.

246 (c) Wherever the words "Commissioner of Income Maintenance" []
247 or "Commissioner of Human Resources" [or "Commissioner on
248 Aging"] are used in the general statutes, the words "Commissioner of
249 Social Services" shall be substituted in lieu thereof. Wherever the
250 words "Department of Income Maintenance" [] or "Department of
251 Human Resources" [or "Department on Aging"] are used in the general
252 statutes, "Department of Social Services" shall be substituted in lieu
253 thereof.

254 (d) Any order or regulation of the Department of Income
255 Maintenance [] or the Department of Human Resources [or the
256 Department on Aging which] that is in force on July 1, 1993, shall
257 continue in force and effect as an order or regulation of the
258 Department of Social Services until amended, repealed or superseded
259 pursuant to law. Where any order or regulation of said departments
260 conflict, the Commissioner of Social Services may implement policies
261 and procedures consistent with the provisions of public act 93-262*
262 while in the process of adopting the policy or procedure in regulation
263 form, provided notice of intention to adopt the regulations is printed
264 in the Connecticut Law Journal within twenty days of implementation.
265 The policy or procedure shall be valid until the time final regulations
266 are effective.

267 Sec. 10. Section 17b-2 of the general statutes is repealed and the
268 following is substituted in lieu thereof (*Effective January 1, 2005*):

269 The Department of Social Services is designated as the state agency
270 for the administration of (1) the child care development block grant
271 pursuant to the Child Care and Development Block Grant Act of 1990;
272 (2) the Connecticut energy assistance program pursuant to the Low

273 Income Home Energy Assistance Act of 1981; [(3) programs for the
274 elderly pursuant to the Older Americans Act; (4)] (3) the state plan for
275 vocational rehabilitation services for the fiscal year ending June 30,
276 1994; [(5)] (4) the refugee assistance program pursuant to the Refugee
277 Act of 1980; [(6)] (5) the legalization impact assistance grant program
278 pursuant to the Immigration Reform and Control Act of 1986; [(7)] (6)
279 the temporary assistance for needy families program pursuant to the
280 Personal Responsibility and Work Opportunity Reconciliation Act of
281 1996; [(8)] (7) the Medicaid program pursuant to Title XIX of the Social
282 Security Act; [(9)] (8) the food stamp program pursuant to the Food
283 Stamp Act of 1977; [(10)] (9) the state supplement to the Supplemental
284 Security Income Program pursuant to the Social Security Act; [(11)]
285 (10) the state child support enforcement plan pursuant to Title IV-D of
286 the Social Security Act; and [(12)] (11) the state social services plan for
287 the implementation of the social services block grants and community
288 services block grants pursuant to the Social Security Act. The
289 Department of Social Services is designated a public housing agency
290 for the purpose of administering the Section 8 existing certificate
291 program and the housing voucher program pursuant to the Housing
292 Act of 1937.

293 Sec. 11. Section 17b-4 of the general statutes, as amended by section
294 61 of public act 03-278, is repealed and the following is substituted in
295 lieu thereof (*Effective January 1, 2005*):

296 (a) The Department of Social Services shall plan, develop,
297 administer, operate, evaluate and provide funding for services for
298 individuals and families served by the department who are in need of
299 personal or economic development. In cooperation with other social
300 service agencies and organizations, including community-based
301 agencies, the department shall work to develop and fund prevention,
302 intervention and treatment services for individuals and families. The
303 department shall: (1) Provide appropriate services to individuals and
304 families as needed through direct social work services rendered by the

305 department and contracted services from community-based
306 organizations funded by the department; (2) collect, interpret and
307 publish statistics relating to individuals and families serviced by the
308 department; (3) monitor, evaluate and review any program or service
309 which is developed, operated or funded by the department; (4)
310 supervise the establishment of pilot programs funded by the
311 department in local communities which assist and support individuals
312 and families in personal and economic development; (5) improve the
313 quality of services provided, operated and funded by the department
314 and increase the competency of its staff relative to the provision of
315 effective social services by establishing and supporting ongoing staff
316 development and training; and (6) encourage citizen participation in
317 the development of social service priorities and programs.

318 [(b) The Department of Social Services shall study continuously the
319 conditions and needs of elderly and aging persons in this state in
320 relation to nutrition, transportation, home-care, housing, income,
321 employment, health, recreation and other matters. It shall be
322 responsible in cooperation with federal, state, local and area planning
323 agencies on aging for the overall planning, development and
324 administration of a comprehensive and integrated social service
325 delivery system for elderly persons and the aged. The department
326 shall: (1) Measure the need for services; (2) survey methods of
327 administration of programs for service delivery; (3) provide for
328 periodic evaluations of social services; (4) maintain technical,
329 information, consultation and referral services in cooperation with
330 other state agencies to local and area public and private agencies to the
331 fullest extent possible; (5) develop and coordinate educational
332 outreach programs for the purposes of informing the public and
333 elderly persons of available programs; (6) cooperate in the
334 development of performance standards for licensing of residential and
335 medical facilities with appropriate state agencies; (7) supervise the
336 establishment, in selected areas and local communities of the state, of
337 pilot programs for elderly persons; (8) coordinate with the Department
338 of Transportation to provide adequate transportation services related

339 to the needs of elderly persons; and (9) cooperate with other state
340 agencies to provide adequate and alternate housing for elderly
341 persons, including congregate housing, as defined in section 8-119e.]

342 [(c)] (b) The Department of Social Services, in conjunction with the
343 Department of Public Health, may adopt regulations in accordance
344 with the provisions of chapter 54 to establish requirements with
345 respect to the submission of reports concerning financial solvency and
346 quality of care by nursing homes for the purpose of determining the
347 financial viability of such homes, identifying homes that appear to be
348 experiencing financial distress and examining the underlying reasons
349 for such distress. Such reports shall be submitted to the Nursing Home
350 Financial Advisory Committee established under section 17b-339.

351 Sec. 12. Subsection (a) of section 17b-28 of the general statutes is
352 repealed and the following is substituted in lieu thereof (*Effective*
353 *January 1, 2005*):

354 (a) There is established a council which shall advise the
355 Commissioner of Social Services on the planning and implementation
356 of a system of Medicaid managed care and shall monitor such
357 planning and implementation and shall advise the Waiver Application
358 Development Council, established pursuant to section 17b-28a, on
359 matters including, but not limited to, eligibility standards, benefits,
360 access and quality assurance. The council shall be composed of the
361 chairpersons and ranking members of the joint standing committees of
362 the General Assembly having cognizance of matters relating to human
363 services and public health, or their designees; two members of the
364 General Assembly, one to be appointed by the president pro tempore
365 of the Senate and one to be appointed by the speaker of the House of
366 Representatives; the [director of the Commission] Commissioner on
367 Aging, or a designee; the director of the Commission on Children, or a
368 designee; two community providers of health care, to be appointed by
369 the president pro tempore of the Senate; two representatives of the
370 insurance industry, to be appointed by the speaker of the House of

371 Representatives; two advocates for persons receiving Medicaid, one to
372 be appointed by the majority leader of the Senate and one to be
373 appointed by the minority leader of the Senate; one advocate for
374 persons with substance abuse disabilities, to be appointed by the
375 majority leader of the House of Representatives; one advocate for
376 persons with psychiatric disabilities, to be appointed by the minority
377 leader of the House of Representatives; two advocates for the
378 Department of Children and Families foster families, one to be
379 appointed by the president pro tempore of the Senate and one to be
380 appointed by the speaker of the House of Representatives; two
381 members of the public who are currently recipients of Medicaid, one to
382 be appointed by the majority leader of the House of Representatives
383 and one to be appointed by the minority leader of the House of
384 Representatives; two representatives of the Department of Social
385 Services, to be appointed by the Commissioner of Social Services; two
386 representatives of the Department of Public Health, to be appointed by
387 the Commissioner of Public Health; two representatives of the
388 Department of Mental Health and Addiction Services, to be appointed
389 by the Commissioner of Mental Health and Addiction Services; two
390 representatives of the Department of Children and Families, to be
391 appointed by the Commissioner of Children and Families; two
392 representatives of the Office of Policy and Management, to be
393 appointed by the Secretary of the Office of Policy and Management;
394 one representative of the office of the State Comptroller, to be
395 appointed by the State Comptroller and the members of the Health
396 Care Access Board who shall be ex-officio members and who may not
397 designate persons to serve in their place. The council shall choose a
398 chair from among its members. The joint committee on Legislative
399 Management shall provide administrative support to such chair. The
400 council shall convene its first meeting no later than June 1, 1994.

401 Sec. 13. Subsection (c) of section 17b-337 of the general statutes is
402 repealed and the following is substituted in lieu thereof (*Effective*
403 *January 1, 2005*):

404 (c) The Long-Term Care Planning Committee shall consist of: (1)
 405 The chairpersons and ranking members of the joint standing and select
 406 committees of the General Assembly having cognizance of matters
 407 relating to human services, public health, elderly services and
 408 long-term care; (2) the Commissioner of Social Services, or the
 409 commissioner's designee; (3) one member of the Office of Policy and
 410 Management appointed by the Secretary of the Office of Policy and
 411 Management; (4) one member from the Department of Social Services
 412 appointed by the Commissioner of Social Services; (5) one member
 413 from the Department of Public Health appointed by the Commissioner
 414 of Public Health; (6) one member from the Department of Economic
 415 and Community Development appointed by the Commissioner of
 416 Economic and Community Development; (7) one member from the
 417 Office of Health Care Access appointed by the Commissioner of
 418 Health Care Access; (8) one member from the Department of Mental
 419 Retardation appointed by the Commissioner of Mental Retardation; (9)
 420 one member from the Department of Mental Health and Addiction
 421 Services appointed by the Commissioner of Mental Health and
 422 Addiction Services; (10) one member from the Department of
 423 Transportation appointed by the Commissioner of Transportation; (11)
 424 one member from the Department of Children and Families appointed
 425 by the Commissioner of Children and Families; [and] (12) the
 426 executive director of the Office of Protection and Advocacy for Persons
 427 with Disabilities or the executive director's designee; and (13) the
 428 Commissioner on Aging, or the commissioner's designee. The
 429 committee shall convene no later than ninety days after June 4, 1998.
 430 Any vacancy shall be filled by the appointing authority. The
 431 chairperson shall be elected from among the members of the
 432 committee. The committee shall seek the advice and participation of
 433 any person, organization or state or federal agency it deems necessary
 434 to carry out the provisions of this section.

435 Sec. 14. Subsection (a) of section 17b-338 of the general statutes is
 436 repealed and the following is substituted in lieu thereof (*Effective*
 437 *January 1, 2005*):

438 (a) There is established a Long-Term Care Advisory Council which
439 shall consist of the following: (1) The [executive director of the
440 Commission on Aging, or the executive director's] Commissioner on
441 Aging, or the commissioner's designee; (2) the State Nursing Home
442 Ombudsman, or the ombudsman's designee; (3) the president of the
443 Coalition of Presidents of Resident Councils, or the president's
444 designee; (4) the executive director of the Legal Assistance Resource
445 Center of Connecticut, or the executive director's designee; (5) the state
446 president of AARP, or the president's designee; (6) one representative
447 of a bargaining unit for health care employees, appointed by the
448 president of the bargaining unit; (7) the president of the Connecticut
449 Association of Not-For-Profit Providers for the Aging, or the
450 president's designee; (8) the president of the Connecticut Association
451 of Health Care Facilities, or the president's designee; (9) the president
452 of the Connecticut Association of Residential Care Homes, or the
453 president's designee; (10) the president of the Connecticut Hospital
454 Association or the president's designee; (11) the executive director of
455 the Connecticut Assisted Living Association or the executive director's
456 designee; (12) the executive director of the Connecticut Association for
457 Homecare or the executive director's designee; (13) the president of
458 Connecticut Community Care, Inc. or the president's designee; (14) one
459 member of the Connecticut Association of Area Agencies on Aging
460 appointed by the agency; (15) the president of the Connecticut chapter
461 of the Connecticut Alzheimer's Association; (16) one member of the
462 Connecticut Association of Adult Day Centers appointed by the
463 association; (17) the president of the Connecticut Chapter of the
464 American College of Health Care Administrators, or the president's
465 designee; (18) the president of the Connecticut Council for Persons
466 with Disabilities, or the president's designee; (19) the president of the
467 Connecticut Association of Community Action Agencies, or the
468 president's designee; (20) a personal care attendant appointed by the
469 speaker of the House of Representatives; (21) the president of the
470 Family Support Council, or the president's designee; (22) a person
471 who, in a home setting, cares for a person with a disability and is

472 appointed by the president pro tempore of the Senate; (23) three
473 persons with a disability appointed one each by the majority leader of
474 the House of Representatives, the majority leader of the Senate and the
475 minority leader of the House of Representatives; (24) a legislator who
476 is a member of the Long-Term Care Planning Committee; and (25) one
477 member who is a nonunion home health aide appointed by the
478 minority leader of the Senate.

479 Sec. 15. Section 17b-343 of the general statutes is repealed and the
480 following is substituted in lieu thereof (*Effective January 1, 2005*):

481 The Commissioner of Social Services, after consultation with the
482 Commissioner on Aging, shall annually establish [annually] the
483 maximum allowable rate to be paid by said agencies for homemaker
484 services, chore person services, companion services, respite care, meals
485 on wheels, adult day care services, case management and assessment
486 services, transportation, mental health counseling and elderly foster
487 care, except that the maximum allowable rates in effect July 1, 1990,
488 shall remain in effect during the fiscal years ending June 30, 1992, and
489 June 30, 1993. The Commissioner of Social Services shall prescribe
490 uniform forms on which agencies providing such services shall report
491 their costs for such services. Such rates shall be determined on the
492 basis of a reasonable payment for necessary services rendered. The
493 maximum allowable rates established by the Commissioner of Social
494 Services for the Connecticut home-care program for the elderly
495 established under section 17b-342 shall constitute the rates required
496 under this section until revised in accordance with this section. The
497 Commissioner of Social Services shall establish a fee schedule, to be
498 effective on and after July 1, 1994, for homemaker services, chore
499 person services, companion services, respite care, meals on wheels,
500 adult day care services, case management and assessment services,
501 transportation, mental health counseling and elderly foster care. The
502 commissioner may annually increase any fee in the fee schedule based
503 on an increase in the cost of services. The commissioner shall increase
504 the fee schedule effective July 1, 2000, by not less than five per cent, for

505 adult day care services. Nothing contained in this section shall
506 authorize a payment by the state to any agency for such services in
507 excess of the amount charged by such agency for such services to the
508 general public.

509 Sec. 16. Section 17b-420 of the general statutes is repealed and the
510 following is substituted in lieu thereof (*Effective January 1, 2005*):

511 (a) There is established a Commission on Aging within the
512 Department on Aging to advocate on behalf of elderly persons on
513 issues and programs of concern to the elderly including, but not
514 limited to, health care, nutrition, housing, employment, transportation,
515 legal assistance and economic security. The commission shall be
516 composed of eleven voting members who are knowledgeable about
517 areas of interest to the elderly to be appointed as follows: Five by the
518 Governor, one by the president pro tempore of the Senate, one by the
519 speaker of the House of Representatives, one by the majority leader of
520 the Senate, one by the majority leader of the House of Representatives,
521 one by the minority leader of the Senate and one by the minority
522 leader of the House of Representatives. The initial appointments to the
523 commission shall be made by August 15, 1993. The initial term for
524 three of the members appointed by the Governor and the members
525 appointed by the president pro tempore of the Senate, majority leader
526 of the House of Representatives and minority leader of the Senate shall
527 expire August 15, 1997, and the initial term for two of the members
528 appointed by the Governor and the members appointed by the speaker
529 of the House of Representatives, majority leader of the Senate and
530 minority leader of the House of Representatives shall expire August
531 15, 1995. Thereafter, all members shall be appointed for a term of four
532 years from August fifteenth in the year of their appointment. Members
533 shall be limited to two consecutive terms. The commission shall
534 include the following ex-officio nonvoting members: The chairpersons
535 and ranking members of the joint standing committee of the General
536 Assembly having cognizance of matters concerning the provision of
537 services to the elderly and the Commissioners of Social Services, Public

538 Health, Mental Health and Addiction Services, Mental Retardation,
539 Economic and Community Development and Transportation, the
540 Insurance Commissioner and the Labor Commissioner. The
541 chairperson of the commission shall be selected by the Governor.
542 Members of the commission shall receive no compensation for their
543 services, but shall be reimbursed for any necessary expenses incurred
544 in the performance of their duties. The Commissioner of Social
545 Services shall convene the initial organizational meeting of the
546 Commission on Aging on or before September 1, 1993.

547 (b) The Commission on Aging shall: (1) Prepare and issue an annual
548 report to the [Governor, General Assembly and the legislative body of
549 each municipality in the state] Commissioner on Aging on its findings
550 and recommendations concerning services for the elderly in the state;
551 (2) conduct annual public hearings on issues affecting the well-being of
552 the elderly in the state; [(3) meet at least monthly with the
553 commissioner and the head of the Division of Elderly Services of the
554 Department of Social Services to review and comment on the policies
555 and procedures of the department concerning the elderly; (4) review
556 and comment on the budget of the Division of Elderly Services of the
557 Department of Social Services; (5)] (3) meet as needed with state
558 officials to discuss issues affecting the elderly; [(6)] and (4) conduct
559 studies and report on issues affecting the elderly. [; and (7)]
560 disseminate information to the business community, education
561 community, state and local governments and the media on the nature
562 and scope of the problems faced by the elderly. The commission may
563 accept any gifts, donations or bequests for any of the purposes of this
564 section.

565 (c) There shall be an executive director of the Commission on Aging
566 who shall be appointed by the Commissioner on Aging after
567 consultation with the commission. There may be additional staff
568 within available appropriations. The commission shall be within the
569 Department [of Social Services for administrative purposes only] on
570 Aging.

571 Sec. 17. Section 17b-461 of the general statutes is repealed and the
572 following is substituted in lieu thereof (*Effective January 1, 2005*):

573 [Regulations shall be promulgated by the Commissioner of Social
574 Services] The Commissioner on Aging shall adopt regulations, in
575 accordance with chapter 54, to carry out the provisions of sections 17b-
576 450 to 17b-461, inclusive.

577 Sec. 18. Section 19a-531 of the general statutes is repealed and the
578 following is substituted in lieu thereof (*Effective January 1, 2005*):

579 Any employee of the Department of Public Health, the Department
580 on Aging or the Department of Social Services or any regional
581 ombudsman who gives or causes to be given any advance notice to
582 any nursing home facility, directly or indirectly, that an investigation
583 or inspection is under consideration or is impending or gives any
584 information regarding any complaint submitted pursuant to section
585 17b-408, as amended, or 19a-523 prior to an on-the-scene investigation
586 or inspection of such facility, unless specifically mandated by federal
587 or state regulations to give advance notice, shall be guilty of a class B
588 misdemeanor and may be subject to dismissal, suspension or demotion
589 in accordance with chapter 67.

590 Sec. 19. Subsection (a) of section 19a-542 of the general statutes is
591 repealed and the following is substituted in lieu thereof (*Effective*
592 *January 1, 2005*):

593 (a) An application to appoint a receiver for a nursing home facility
594 may be filed in the Superior Court by the Commissioner of Social
595 Services, the Commissioner of Public Health, the Commissioner on
596 Aging or the director of the Office of Protection and Advocacy for
597 Persons with Disabilities. A resident of a facility or such resident's
598 legally liable relative, conservator or guardian may file a written
599 complaint with the Commissioner of Public Health specifying
600 conditions at the facility which warrant an application to appoint a
601 receiver. If the Commissioner of Public Health fails to resolve such

602 complaint within forty-five days of its receipt or, in the case of a
603 facility which intends to close, within seven days of its receipt, the
604 person who filed the complaint may file an application in the Superior
605 Court for the appointment of a receiver for such facility. Said court
606 shall immediately notify the Attorney General of such application. The
607 court shall hold a hearing not later than ten days after the date the
608 application is filed. Notice of such hearing shall be given to the owner
609 of such facility or such owner's agent for service of process not less
610 than five days prior to such hearing. Such notice shall be posted by the
611 court in a conspicuous place inside such facility for not less than three
612 days prior to such hearing.

613 Sec. 20. Section 38a-475 of the general statutes is repealed and the
614 following is substituted in lieu thereof (*Effective January 1, 2005*):

615 The Insurance Department shall only precertify long-term care
616 insurance policies which (1) alert the purchaser to the availability of
617 consumer information and public education provided by the
618 Department [of Social Services] on Aging pursuant to section [17a-307]
619 17b-251; (2) offer the option of home and community-based services in
620 addition to nursing home care; (3) in all home care plans, include case
621 management services delivered by an access agency approved by the
622 Office of Policy and Management and the Department [of Social
623 Services] on Aging as meeting the requirements for such agency as
624 defined in regulations adopted pursuant to subsection (e) of section
625 17b-342, which services shall include, but need not be limited to, the
626 development of a comprehensive individualized assessment and care
627 plan and, as needed, the coordination of appropriate services and the
628 monitoring of the delivery of such services; (4) provide inflation
629 protection; (5) provide for the keeping of records and an explanation of
630 benefit reports on insurance payments which count toward Medicaid
631 resource exclusion; and (6) provide the management information and
632 reports necessary to document the extent of Medicaid resource
633 protection offered and to evaluate the Connecticut Partnership for
634 Long-Term Care. No policy shall be precertified if it requires prior

635 hospitalization or a prior stay in a nursing home as a condition of
636 providing benefits. The commissioner may adopt regulations, in
637 accordance with chapter 54, to carry out the precertification provisions
638 of this section.

639 Sec. 21. Section 17b-429 of the general statutes is repealed and the
640 following is substituted in lieu thereof (*Effective January 1, 2005*):

641 The Commissioner of Social Services shall, within available
642 appropriations, make information available to senior citizens and
643 disabled persons concerning any pharmaceutical company's drug
644 program for indigent persons by utilizing the ConnPACE program, the
645 CHOICES health insurance [counseling and] assistance program, as
646 defined in section [17b-427a] 17b-427, and Infoline of Connecticut to
647 deliver such information.

648 Sec. 22. (NEW) (*Effective January 1, 2005*) The Commissioner on
649 Aging shall administer the ConnPACE program subject to the
650 provisions of sections 17b-274 to 17b-274d, inclusive, of the general
651 statutes, 17b-280 of the general statutes, and 17b-362 of the general
652 statutes, as administered by the Commissioner of Social Services.

653 Sec. 23. (NEW) (*Effective January 1, 2005*) (a) Wherever the words
654 "Commissioner of Social Services" are used or referred to in the
655 following sections of the general statutes, "Commissioner on Aging"
656 shall be substituted in lieu thereof: 10-183l, as amended, 17b-400, 17b-
657 406, 17b-411, 17b-422, as amended, 17b-424, 17b-427, as amended, 17b-
658 451, as amended, 17b-453, 17b-454, 17b-455, 17b-456, 17b-459, 17b-490,
659 17b-492, as amended, 17b-494, 17b-498, 17b-520, 17b-550, 17b-552, 20-
660 14k, 22a-256c, 45a-651, and 45a-654.

661 (b) Whenever the words "Department of Social Services" are used or
662 referred to in the following sections of the general statutes,
663 "Department on Aging" shall be substituted in lieu thereof: 9-19h, 17b-
664 251, as amended, 17b-400, 17b-421, 17b-422, as amended, 17b-423, as
665 amended, 17b-425, 17b-426, 17b-427, as amended, 17b-452, 17b-453,

666 17b-454, 17b-457, 17b-458, 17b-459, 17b-491, as amended, 17b-492, as
667 amended, 17b-520, 17b-550, 17b-792, 19a-550, and 45a-651.

This act shall take effect as follows:	
Section 1	<i>January 1, 2005</i>
Sec. 2	<i>January 1, 2005</i>
Sec. 3	<i>January 1, 2005</i>
Sec. 4	<i>January 1, 2005</i>
Sec. 5	<i>January 1, 2005</i>
Sec. 6	<i>January 1, 2005</i>
Sec. 7	<i>January 1, 2005</i>
Sec. 8	<i>January 1, 2005</i>
Sec. 9	<i>January 1, 2005</i>
Sec. 10	<i>January 1, 2005</i>
Sec. 11	<i>January 1, 2005</i>
Sec. 12	<i>January 1, 2005</i>
Sec. 13	<i>January 1, 2005</i>
Sec. 14	<i>January 1, 2005</i>
Sec. 15	<i>January 1, 2005</i>
Sec. 16	<i>January 1, 2005</i>
Sec. 17	<i>January 1, 2005</i>
Sec. 18	<i>January 1, 2005</i>
Sec. 19	<i>January 1, 2005</i>
Sec. 20	<i>January 1, 2005</i>
Sec. 21	<i>January 1, 2005</i>
Sec. 22	<i>January 1, 2005</i>
Sec. 23	<i>January 1, 2005</i>

Statement of Purpose:

To reestablish the Department on Aging and make necessary technical changes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]